

REMARKS

Status of the Claims

Claims 1-20 remain pending in the present application, Claims 15 and 17 having been amended to recite "...the visual indicator..." in order to correct typographical errors. However, none of the claims have been substantively amended, since the claims as filed are believed to be patentable over the art cited.

Claims Rejected under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1, 2, 3, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, and 19 as being anticipated by U.S. Patent Application No. 10/358,287 (Tsuchiya). Applicant respectfully disagrees for the reasons discussed below.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1 and 12. The patentability of each dependent claim is not necessarily separately addressed in detail. However, applicant's decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicant concurs with the Examiner's conclusion that these dependent claims are not patentable over the cited references. Similarly, applicant's decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicant concurs with the Examiner's interpretation and assertions regarding those claims. Indeed, applicant believes that all of the dependent claims patentably distinguish over the references cited. However, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Patentability of Claim 1

Significant differences exist between the cited art and the recited subject matter because the cited art does not teach or suggest associating the speaker identifier with a visual indicator representing the voice speaker.

It may be helpful to illustrate an exemplary application of applicant's claimed subject matter. Applicant discloses that:

A preferred embodiment of the present invention is directed to displaying a visual indication to identify a voice speaker in a multiplayer game session. FIGURE 4 illustrates an exemplary scene 350 from a multiplayer network game session. Scene 350 includes a

listener's vehicle 352 that is controlled by a human player through a local gaming system. Scene 350 also includes a non-speaking opponent's vehicle 354 that is controlled by a human player through a remote gaming system. The player using the remote gaming system is not currently using a voice communicator to communicate with the local listener. Also visible in scene 350 is a speaking opponent's vehicle 360 that is controlled by a human player that is currently speaking through a voice communicator attached to another remote gaming system. *When the speaking player begins speaking, a speaker icon 362 is displayed over speaking player's vehicle 360 to identify the current speaker. Preferably, a player ID 364 (e.g., a Gamertag) is also displayed along with speaker icon 362 to associate the speaker with the speaking player's vehicle 360.* Those skilled in the art will recognize that many other visual displays indicative of the player who is speaking may be provided, such as highlighting the speaker's vehicle, providing an image away from the speaker's vehicle, illuminating a spot next to a speaker's name, or using some other visual indication. (Emphasis added, page 13, line 20 – page 14, line 8.)

With reference to the italicized portion of the above quote, as an example of the recitation in step (a), suppose that a speaker identifier (a Gamertag such as a player ID 364) is obtained that identifies a voice speaker who is transmitting voice data (e.g., the player of speaking player's vehicle 360). As an example of the recitation in step (b), which is also in accord with a step 416 of FIGURE 6, suppose that the speaker identifier (e.g., player ID 364) is associated with a visual indicator (e.g., speaker icon 362) representing the voice speaker of speaking player's vehicle 360 in the computing session. Suppose further, as an example of the recitation in the step (c), that the visual indicator (e.g., speaker icon 362) is displayed, as shown in FIGURE 4, to the listener to indicate that the specific voice speaker (the player of speaking player's vehicle 360) is speaking.

In contrast, the cited art does NOT teach or suggest associating the speaker identifier with a visual indicator representing a voice speaker. To better understand this distinction, it may be helpful to discuss the elements in the cited art that the Examiner appears to assert are equivalent to elements or steps recited by applicant in Claim 1. The Examiner appears to be asserting that the following elements of the cited art are equivalent to applicant's recited elements:

- Tsuchiya's "icon 93, icon 94 and icon 95 which represent each of the players" (paragraph 0073 of Tsuchiya, lines 4-9 -- see Office Action dated June 29, 2006, page 2) is equivalent to applicant's recited "*speaker identifier*";
- Tsuchiya's "icon 94 of player B, the talking party" (paragraph 0073 lines 7-8 of Tsuchiya -- see Office Action dated June 29, 2006, page 2) is equivalent to applicant's recited "*voice speaker*";

- 1 • Tsuchiya's "affixing" (paragraph 0071 line 17 of Tsuchiya -- see Office Action dated
2 June 29, 2006, page 3) is equivalent to applicant's recite "*associating*";
3 • Tsuchiya's "downward pointing arrow 91 is affixed in a position above the head of
4 object 62," (paragraph 0071 of Tsuchiya, lines 17-18 -- see Office Action dated
5 June 29, 2006, page 3) is equivalent to applicant's recited "*visual indicator*";
6 • Tsuchiya's "game screen of player A, the receiving party" (paragraph 0071 at
7 lines 16-18 -- see Office Action dated June 29, 2006, page 3) is equivalent to
8 applicant's recited "*listener*."
9

10 For the sake of argument, assume for the moment that these elements in Tsuchiya are
11 equivalent to applicant's recited elements, which would then logically lead to the following result if
12 applicant's claim recitation is applied to Tsuchiya. As an example of the recitation in the first step
13 (a), suppose that a speaker identifier (e.g., icon 94 of Player B -- in other words, the cross-hatched
14 circle of FIG. 6 that includes the letter "B") identifies a voice speaker (e.g., player B) as the talking
15 party, who is transmitting voice data. As an example of the recitation in step (b), suppose that the
16 speaker identifier (e.g., icon 94 of Player B, -- the cross-hatched circle of Fig. 6 that includes the
17 letter "B") is associated with (or affixed to) a visual indicator (e.g., downward pointing arrow 91)
18 representing the voice speaker (e.g., player B) in the computing session. However, in this case, it does not
19 appear that icon 94, the cross-hatched circle of Fig. 6, is affixed to downward pointing arrow 91. As
20 shown in FIG. 6, icon 94, along with icon 93 and icon 95, are shown in the upper left corner of the game
21 screen, while downward pointing arrow 91 is shown in the upper right corner pointing towards object 62,
22 instead of pointing towards icon 94. In contrast, in the example taken from applicant's specification and
23 discussed above, player ID 364 of FIG. 4 is associated with speaker icon 362, representing the voice
24 speaker (e.g., the player of speaking player's vehicle 360) in the computing session. Thus, the Tsuchiya
25 reference fails to teach or suggest "associating the speaker identifier with a visual indicator
26 representing the voice speaker in the computing session," as recited in step (b) of Claim 1. Since the
27 cited art neither teaches nor suggests all of the recitation of independent Claim 1, the rejection of
28 independent Claim 1 under 35 U.S.C. § 102(e) should be withdrawn.

29 Claims 2, 3, 5, 7, 8, 10, and 11 ultimately depend from independent Claim 1. Because
30 dependent claims inherently include all of the steps or elements of the independent claim from which the

1 dependent claims ultimately depend, dependent Claims 2, 3, 5, 7, 8, 10, and 11 are patentable for at least
2 the same reasons discussed above with regard to independent Claim 1. Therefore, the rejection of
3 dependent Claims 2, 3, 5, 7, 8, 10, and 11 under 35 U.S.C. § 102(e) as being anticipated by Tsuchiya
4 should be withdrawn.

5 Patentability of Claim 12

6 Independent Claim 12 is directed towards a system for visually indicating a voice speaker to a
7 listener in a context of a computing session. Functions recited in subparagraphs (c)(i) - (c)(iii) in this
8 claim are similar to steps (a) through (c) of independent Claim 1. The Examiner has rejected Claim 12
9 and applied the cited art to these subparagraph in a manner based on reasoning similar to that applied
10 in Claim 1. For the same reasons presented above in traversing the rejection of independent Claim 1,
11 independent Claim 12 also distinguishes over the cited art, because the cited art does NOT teach or suggest
12 "*associating the speaker identifier with a visual indicator used for indicating the voice speaker.*"
13 Accordingly, the rejection of independent Claim 12 under 35 U.S.C. § 102(e) over Tsuchiya should be
14 withdrawn, since Tsuchiya does not teach or suggest all of the elements recited in independent Claim 12.

15 Claims 13, 14, 16, 18, and 19 ultimately depend from independent Claim 12. Because
16 dependent claims inherently include all of the steps or elements of the independent claim from which the
17 dependent claims ultimately depend, dependent Claims 13, 14, 16, 18, and 19 are patentable for at least the
18 same reasons discussed above with regard to independent Claim 12. Therefore, the rejection of dependent
19 Claims 13, 14, 16, 18, and 19 under 35 U.S.C. § 102(e) as being anticipated by Tsuchiya should be
20 withdrawn.

21 Claims Rejected under 35 U.S.C. § 103(a)

22 Claims 4 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya,
23 in view of Ham ("Half-Life Gets A Voice, Index, June 2001,
24 <http://archive.gamespy.com/articles/index.shtml>, hereinafter referred to as "Ham").

25 Claims 6 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya,
26 in view of published U.S. Patent Application Serial No. 10/177,463 (Levi et al., hereinafter referred
27 to as "Levi").

28 Claims 9 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya,
29 in view of published U.S. Patent Application Serial No. 09/188,122 (Heredia).

However, Claims 4, 6, and 9, and Claims 15, 17, and 20 ultimately depend from independent Claims 1 and 12, respectively. Because dependent claims inherently include all of the steps or elements of the independent claims from which the dependent claims ultimately depend, dependent Claims 4, 6, 9, 15, 17, and 20 are patentable for at least the same reasons discussed above with regard to independent Claims 1 and 12.

In view of the amendments and Remarks set forth above, it will be apparent that all pending claims in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,

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